

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 5/10/10

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MATTHEW MAYO,

Plaintiff,

-v-

SGT. PALOMBA, OFFICER J. TEJEDA,  
OFFICER DEXTER MILES, INMATE JOHN  
SMITH,

Defendants.  
-----X

09 Civ. 9922 (DLC)

ORDER

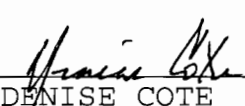
DENISE COTE, District Judge:

By Order dated April 6, 2010, plaintiff was directed to communicate with the Court, in writing, by May 6, 2010, as to why plaintiff has failed to serve the summons and complaint within the 120 days prescribed by Rule 4(m) of the Federal Rules of Civil Procedure. Having received no communication from plaintiff, it is hereby

ORDERED that this action is dismissed without prejudice. The Clerk of Court shall close the case.

SO ORDERED:

Dated: New York, New York  
May 10, 2010

  
\_\_\_\_\_  
DENISE COTE  
United States District Judge

**COPIES SENT TO:**

Matthew Mayo  
190049  
Westchester County Jail  
P.O. Box 10  
Valhalla, NY 10595